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CHARLES J. OGLETTRE, JR.
 DIANE L. HOOK

March 10, 2014

Via ECF

Hon. Cheryl L. Pollak
 United States District Court for the Eastern District of New York
 225 Cadman Plaza East, Rm. 1230
 Brooklyn, New York 11201

Re: McNamee v. Clemens, No. 09-CV-1647-SJ-CLP

Your Honor:

We represent Plaintiff Brian McNamee in the above-captioned matter. We write to request an extension of the discovery end date. The close of fact discovery is currently set for March 31, 2014 and the close of all discovery set for May 30, 2014. We seek a close of fact discovery of July 29, 2014, with a close of all discovery on September 29, 2014.¹ Defendant Roger Clemens does not oppose this request.

We seek this extension because though the parties are currently in the process of scheduling and conducting depositions, the vast majority of depositions are on hold as Plaintiff awaits Defendant's production of communications with Defendant's public relations strategist and sports agent. This Court has scheduled a conference on April 29 to determine whether Clemens properly asserted privilege as to certain of these documents. Moreover, while the Court has ordered Defendant to produce to Plaintiff those responsive documents which Defendant provided *in camera*, Defendant has appealed that decision and refused to produce such documents until the District Court resolves that appeal, though no stay is in effect. As Plaintiff explained in opposing Defendant's stay motion: "Without these documents, it would be unwise to proceed with scheduling the vast majority of outstanding depositions, as the documents will likely shed light on the deponents and the deposition subjects."

¹ Consistent with the current schedule, the interim dates for exchanging expert discovery would then be: (a) July 11, Plaintiff's Initial Expert Reports, if any; (b) August 15, Defendant's Expert Report(s), if any; and (c) September 15, Plaintiff's Rebuttal Expert Report(s), if any. The deadline for parties to submit dispositive motions would similarly be moved to November 1, 2014.

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The July 29 proposal for a fact discovery end date would allow the parties three months after the April 29 conference to review the produced documents and conduct depositions.

This is the fourth request for an extension. Discovery was originally scheduled to close on June 28, 2013. We are available should the Court have questions. Thank you for your consideration.

Respectfully submitted,

/s/

Debra L. Greenberger

c. Rusty Hardin & Associates, LLP, Counsel for Defendant, via ECF

*Request for extension
is granted
So Ordered
//s/ CHERYL POLLAK
3/10/14*